

## **MINUTES**

### **INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS**

**MARCH 30, 2011**

#### **I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM**

Dr. Headley called the meeting to order at 9:00 a.m. in the Indiana Professional Licensing Agency, Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

##### **Board Members Present:**

Richard Headley, D.V.M. – Chair  
Patricia Kovach, D.V.M. – Vice Chair  
Paul Clemente, D.V.M.  
William Somerville, D.V.M.  
Robin Waltz, D.V.M.  
Frank Andrew, Consumer Member  
Bret Marsh, D.V.M., State Veterinarian

##### **Board Member Absent:**

Susan Pedigo, R.V.T

##### **State Officials Present:**

Cindy Vaught, Board Director, Professional Licensing Agency  
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency  
Gordon White, Deputy Attorney General, Office of the Attorney General

#### **II. ADOPTION OF THE AGENDA AS AMENDED**

A motion was made and seconded to adopt the agenda as amended.

KOVACH/CLEMENTE  
Motion carried 6-0-0

#### **III. ADOPTION OF THE MINUTES FROM THE JANUARY 26, 2011 MEETING OF THE BOARD**

A motion was made and seconded to adopt the minutes, as corrected, from the January 26, 2011 meeting of the Board.

CLEMENTE/ANDREWS  
Motion carried 6-0-0

#### **IV. PERSONAL APPEARANCES**

##### **A. Probation**

- 1. Brenton Arihood, D.V.M., License No. 24003071A**  
Administrative Cause No. 2009 VB 0001

Dr. Arihood appeared with Rori Goldman, legal counsel, before the Board, as requested, regarding his ongoing probationary status. Dr. Arihood submitted patient records, his surgery log and his controlled substance log for the Board's review. The Board is pleased with his progress and demeanor. Dr. Waltz advised Dr. Arihood to keep a separate log for each controlled substance so he can keep a running total of what is used and what is still on hand. Dr. Arihood is scheduled to appear at the May 25, 2011 meeting of the Board.

- 2. Robert Maier, D.V.M., License No. 24006439A**  
Administrative Cause No. 2010 VB 0004

Dr. Maier appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Maier stated things are going well. He indicated to the Board that his name is on the list for relief veterinary work with the Indiana Veterinary Medical Association. Dr. Maier has attended an IVMA meeting, but has not completed any other continuing education. The Board is concerned about the stress this is putting on Dr. Maier with being unemployed. He stated his wife is very supportive of him. The Board advised Dr. Maier to continue seeking employment. Dr. Maier reported he continues to attend Alcoholics Anonymous three (3) times per week and attends professional counseling, which includes medical doctors and dentists, once per week and believes the meetings are helpful. Dr. Maier is scheduled to appear at the May 25, 2011 meeting of the Board.

##### **B. Renewal**

- 1. Angela Marie Tinker, R.V.T., License No. 25000700A**

Ms. Tinker appeared before the Board, as requested, regarding the renewal of her expired veterinary technician registration. She has been working a veterinary technician on an expired registration since January 1, 2008. Ms. Tinker explained to the Board that she assumed her employing veterinarian had renewed her registration. The Board explained to Ms. Tinker that it is her responsibility to renew her veterinary technician registration and to know the laws regarding the practice of veterinary technology. Ms. Tinker stated she began working at Brown Mackie on February 28, 2011. Mr. White chastised Ms. Tinker for using the title "veterinary technician" when she was not registered to do so and explained to her that the Board can file a complaint with the Attorney General's office which can be deferred to the Prosecutor's Office.

**Board action:** A motion was made and seconded to grant the renewal of Ms. Tinker's veterinary technician registration upon successful completion of the jurisprudence examination.

WALTZ/KOVACH  
Motion carried 6-0-0

**C. Applications**

**1. Ashlee Marie DiPalmo**

Ms. DiPalmo appeared before the Board, as requested, regarding her application for a veterinary technician registration. Ms. DiPalmo is a 2010 graduate of the Vet Tech Institute at International Business College in Indianapolis and has taken and passed the VTNE Examination during the November/December 2010 testing window. Ms. DiPalmo stated she was working at Franklin Falls Animal Clinic since July 26, 2010 and listed under responsibilities veterinary technician duties. The Board was concerned over the fact that she stated she was performing veterinary technician duties when she was not duly registered to do so. Ms. DiPalmo stated the veterinary technology program did not explain to the students as graduates they could not use the veterinary technician title until they were registered by the state. Dr. Clemente asked if she would be willing to voluntarily go back to the program and do a presentation on licensing requirements and explain they cannot use the veterinary technology title until they are duly licensed to do so, which Ms. DiPalmo agreed to do. Ms. DiPalmo submitted a letter to the Board from her supervising veterinarian, Shelly Mullen, DVM, stating she has been under her direct supervision at all times and has not held herself out to be a veterinary technician in any way. Ms. DiPalmo has taken and passed the jurisprudence examination.

**Board action:** A motion was made and seconded to grant Ms. DiPalmo a veterinary technician registration.

WALTZ/ANDREWS  
Motion carried 6-0-0

The Board has asked Ms. Vaught to send letters to each of the veterinary technology programs in Indiana explaining the issue before the Board. Dr. Waltz feels after the letters go to the programs, the Board will have to start holding the applicants responsible for this very issue. This will be discussed later in the meeting.

**2. Emily Suzanne Land**

Ms. Land appeared before the Board, as requested, regarding her application for a veterinary technician registration. Ms. Land is a 2009 graduate of Bel Rea Institute and has taken and passed the VTNE examination in July 2010. Ms. Land stated as her application that she has been a veterinary technician at Harbor Animal Hospital in Noblesville, Indiana and Parkside Animal Hospital in Fishers, Indiana. Ms. Land had previously failed the VTNE in January 2010 when given by IPLA. She stated she did not understand the instructions for retaking the VTNE and applying for registration in Indiana. She felt the application process was very confusing even though the IPLA sent a letter of denial with instructions on how to apply to retake the VTNE and to apply for registration in Indiana. Ms.

Vaught showed a copy of the letter to Dr. Headley. Ms. Land stated she knew she could not use the veterinary technician title or perform veterinary technician duties. She also stated her employer knows she is not currently registered. The Board advised she take this information back to her employer and share with everyone in the clinic the registration process for veterinary technicians. The Board reminded Ms. Land that it is up to the graduate to seek registration information and requirements and that it is not the responsibility of the IPLA staff to contact all graduates with this information. Ms. Land has taken and passed the jurisprudence examination.

**Board action:** A motion was made and seconded to grant Ms. Land a veterinary technician registration.

ANDREW/KOVACH  
Motion carried 6-0-0

## **V. ADMINISTRATIVE HEARING**

- A. Christina Fritz, R.V.T., License No. 25001007A**  
Administrative Cause No. 2010 VB 0002  
Re: Withdrawal of Probation

**Parties and Counsel Present:**

Respondent was present without Counsel  
Darren Covington, Deputy Attorney General for the State of Indiana  
Sherry Rutledge, Court Reporter

**Participating Board Members:**

Dr. Headley, D.V.M., Chairman (Hearing Officer)  
Dr. Kovach, D.V.M.  
Dr. Clemente, D.V.M.  
Dr. Somerville, D.V.M.  
Dr. Waltz, D.V.M.  
Mr. Andrew, Consumer Member

**Case Summary:** Petitioner appeared without Counsel to request withdrawal of probation from her veterinary technician registration. Petitioner had called the IPLA office on November 16, 2009 to self report a conviction for theft that occurred on November 1, 2009. She stated she had completed the renewal online on November 16 but failed to answer "yes" to the question that asks "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or a state law or are criminal charges pending?" Petitioner made a personal appearance before the Board on January 27, 2010 regarding the positive response on the renewal application. The Board voted unanimously to place Petitioner's registration on indefinite probation with terms and conditions, to mirror her criminal probation, on January 27, 2010. Petitioner's probation began on February 12, 2010. Petitioner has been compliant in her reporting and personal appearances. She has completed all court related requirements regarding her criminal probation. Petitioner is still taking Wellbutrin

and Celexa for depression and bi-polar disease. She is under the care of Dr. Jason Hendrick, Dr. Julie Mills and Dr. Aldo Buonanno.

**Board action:** A motion was made and seconded to grant Ms. Fritz's request for the withdrawal of probation on her veterinary technician registration.

WALTZ/ANDREW

Motion carried 6-0-0

## VI. DISCUSSION

### A. Richard Hughes, D.V.M., License No. 24004850A

Cause No. 2010 VB 0005

Re: Petitioner's Motion to Dismiss Complaint

Darren Covington, Deputy Attorney General, presented a motion to dismiss the complaint against Dr. Richard Hughes. It has been found by the State and IPLA that Dr. Hughes passed away in Louisville, Kentucky on November 23, 2010. A certified letter sent from the IPLA was returned to IPLA marked "Deceased". The State confirmed this by locating the obituary for Dr. Hughes in *The Courier-Journal*.

**Board action:** A motion was made and seconded to grant the State's motion to dismiss.

ANDREW/SOMERVILLE

Motion carried 6-0-0

### B. Elizabeth C. Jendral, SR. Licensing Administrator

Medical and Healthcare Group, Carrington College

Re: Veterinary Programs Online

The Board discussed a letter received from Elizabeth Jendral, Sr. Licensing Administrator, regarding Carrington College's courses going online in the future. The Board asked Ms. Vaught to send a letter in response stating the Indiana Board of Veterinary Medical Examiners will not accept their degrees unless their programs are accredited by the AVMA.

### C. American Association of Veterinary State Boards

Re: Complementary and Alternative Medicine Continuing Education Programs

The Board reviewed correspondence from concerned veterinarians regarding RACE not approving complementary and alternative medicine continuing education. They are requesting the Board to write a letter to the AAVSB showing their support of this type of continuing education and to suggest that RACE begin approving these courses. During discussion, the Board stated they are not in a position to "lobby" the AAVSB and tell them what they should and/or should not be approving. The Board asked Ms. Vaught to correspond with these clinics and to relate to them that they can lobby the AAVSB for them to make this change and they can also apply for state Board approval on a per program basis.

**D. National Board Report**

Re: February 2011

Ms. Vaught submitted a copy of the NBVME February 2011 newsletter for the Boards review. There was no discussion regarding this newsletter.

**E. American Veterinary Medical Association**

Re: Accreditation of the Ross University School of Veterinary Medicine

Correspondence was reviewed regarding the accreditation status of Ross University School of Veterinary Medicine. The program was granted accreditation for their veterinary program. The letter stated that effective March 6-8, 2011 the AVMA Council on Education (COE) granted full accreditation status to Ross University School of Veterinary Medicine, St. Kitts West Indies for a period of seven years. Therefore, the AVMA recommends that graduates of this program who receive their degrees after January 20, 2011 be afforded the same propriety as that applied to graduates of accredited United States or Canadian veterinary medical schools and colleges. An ECFVG certificate would not be necessary for full licensure in the State of Indiana for graduates after January 20, 2011.

**F. American Veterinary Medical Association**

Re: Accreditation of the Universidad Nacional Autonoma de Mexico (UNAM)  
Facultad de Medicina Veterinaria y Zootecnia

Correspondence was reviewed regarding the accreditation status of Universidad Nacional Autonoma de Mexico (UNAM) Facultad de Medicina Veterinaria y Zootecnia, Mexico City, Mexico. The program was granted accreditation for their veterinary program. The letter states that effective March 6-8, 2011 the AVMA Council on Education (COE) granted full accreditation status to the Universidad Nacional Autonoma de Mexico (UNAM) Facultad de Medicina Veterinaria y Zootecnia, Mexico City, Mexico for a period of seven years. Therefore, the AVMA recommends that graduates of this program who receive their degrees after February 3, 2011 be afforded the same propriety as that applied to graduates of accredited United States or Canadian veterinary medical schools and colleges. An ECFVG certificate would not be necessary for full licensure in the state of Indiana for graduates after February 3, 2011.

**G. Patrick Koch**

Re: Approval of PAVE Program

Correspondence from Mr. Koch requesting Indiana to change their stance on recognizing the PAVE program for graduates of foreign veterinary programs was reviewed. The Board discussed this letter and feels in the future this is not going to be an issue with the recent accreditation of Ross University and UNAM by the AVMA's COE. However, for past graduates, it will still require a change in statute through the legislative process for the State of Indiana to begin accepting PAVE as it specifically states in statute currently, they applicant must possess an ECFVG Certificate as a requirement of licensure for graduates of non-accredited schools.

## **VII. APPLICATION REVIEW**

### **A. Endorsement**

#### **1. Dennis Duane Gourley, D.V.M.**

The Board reviewed Dr. Gousrey's application for a veterinary license by endorsement. Dr. Gourley is a 1979 graduate from Iowa State University and has taken and passed the National Board Examination. He did not take the Clinical Competency Test because it was not available at the time of graduation. Dr. Gourley is currently licensed in the state of Illinois, Iowa, and holds an expired license in the States Michigan and Ohio. Dr. Gourley completed a Texas state constructed examination in 2008.

**Board action:** A motion was made and seconded to grant Dr. Gousley a veterinary license by endorsement upon successful completion of the jurisprudence examination.

CLEMENTE/KOVACH  
Motion carried 6-0-0

### **B. Examination**

There were no applications by examination for the Board to review.

### **C. Professional Corporation**

There were no professional corporation applications for the Board to review.

## **VIII. RENEWALS**

There were no renewals for the Board to review.

## **IX. PROBATIONARY REPORT**

There were no probationary reports for the Board to review.

## **X. CONTINUING EDUCATION**

### **A. Pfizer Animal Health**

"FDA Residue Monitoring Program/SRP Vaccine Technologies"  
Wakarusa, Indiana  
March 30, 2011

**Hours Granted:** 1.5 Hours for Veterinarians and Veterinary Technicians

### **B. Fort Wayne Veterinary Medical Association**

"Cruelty Investigations: The Veterinarians Role, Reporting and the "Link"  
Ft. Wayne, Indiana  
March 22, 2011  
**Hours Granted:** 1.5 Hours for Veterinarians and Veterinary Technicians

**C. Cincinnati Animal Referral & Emergency Center**

"Radiation Therapy Update"

Cincinnati, Ohio

March 29, 2011

**Hours Granted:** 2 Hours Granted for Veterinarians and Veterinary Technicians

**Board action:** A motion was made and seconded to grant approval to Pfizer Animal Health, Fort Wayne Veterinary Medical Association and Cincinnati Animal Referral & Emergency Center as applied for.

KOVACH/WALTZ  
Motion carried 6-0-0

**XI. REPORTS**

**A. Consumer Complaints – Dr. Waltz**

Dr. Waltz reported that she has met with the Attorney General's office. She participated in informal interviews regarding four (4) veterinarians to get more information on the individual cases. She does not know at this time if they will be coming before the Board or not. Darren Covington confirmed that there are three (3) litigation files and twenty-seven (27) consumer complaints to be investigated. He assured the Board that he is working diligently to get complaints up to date. He also explained to the Board that they no longer have "informal board meetings" but they have "informal interviews" where they can either close the complaint after gathering more information or they can proceed with a formal hearing for discipline.

**B. State Veterinarian's Report – Dr. Marsh**

Dr. Marsh reported that BOAH has confirmed a diagnosis of bovine tuberculosis in southeast Indiana. Swine PRRS continues to mutate although a vaccine is now available. This mutation makes the vaccine marginally affective. BOAH emergency orders are in place for thoroughbred and quarter horses due to piroplasmosis. This has not been found in standard bred horses. As previously reported, piroplasmosis has been found in horses coming from Texas.

**XII. OLD/NEW BUSINESS**

- Dr. Kovach stated that since the CSAC Committee disbanded the Board has not been consulted regarding controlled substance applications for animal shelters. She questioned why the Board has not been informed or seen any applications that have been reported by the news channels. Phil Wickizer, director of the Indiana Board of Pharmacy, was present to explain that the facility in question did not have the proper permit to keep controlled substances on the premises for euthanasia. He stated the



facility was clean and doing everything properly, they were just not ordering, holding and logging drugs properly. A pharmacy compliance officer will inspect the facility prior to issuance of the permit. The facility will also be asked to bring records and supporting documentation before the Indiana Board of Pharmacy for verification. They did find the record keeping needed to be corrected and will watch the facility in the future for compliance issues.

- The Board reviewed a letter to be sent to all veterinary technology programs requesting their help in distributing information to students regarding the registration process in the state of Indiana. Also stressing that graduates cannot call themselves registered veterinary technician, RVT, or veterinary technician until they are registered by the Board.
- We are currently working the proposed rule for the investigative fund again. The Board's first attempt at this rule was in 2008 but it failed due to no approval by the budget. Ms. Vaught reported she may have a proposed rule ready for review at the next meeting of the Board.
- Ms. Vaught reported that a complaint has been filed against Dr. Richard Sasso and will be heard before the Board in May 2011.
- The Board received correspondence from the AAVSB stating they are offering travel money from the association for one (1) board member to attend the next AAVSB meeting.
- The AAVSB has released the results from the VTNE examination for veterinary technicians that took place during the period of March 1-14, 2011. Of the thirty (30) candidates that took the examination in Indiana, there were 22 passing scores and 8 failures. The AAVSB will release the second half of the March testing window in the near future.
- Eric Percy, Compliance Office, Indiana Board of Pharmacy, requested the Board to consider whether animal shelters may use drugs that are outdated or whether the Board may have an issue with this practice. The Board discussed the topic and determined that shelters and facilities should follow the same standards as veterinary clinics in administering and dispensing drugs from their office.

### **XIII. OTHER ITEMS FOR CONSIDERATION**

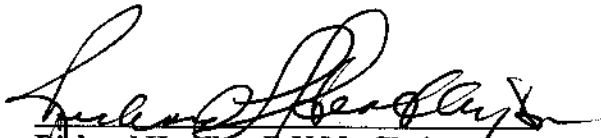
There were no other items for consideration before the Board.

### **XIV. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 1:30 p.m.

**Board action:** A motion was made and seconded to adjourn this meeting of the Board at 1:30 p.m.

KOVACH/CLEMENTE  
Motion carried 6-0-0

  
Richard Headley, D.V.M., Chairman

5-25-11  
Date

  
Patricia Kovach, D.V.M., Vice Chair

5/25/11  
Date